IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

FAO.No. 32 of 2007()

AGAINST THE ORDER DATED 16/12/2006 IN IA 350/2006 IN OS.39/2006 of PRINCIPAL SUB COURT,NORTH PARAVUR

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: APPELLANTS:

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1. K.G. HARIDAS, S/O.GOPINATHAN,
SAINDHAVAM, KOCHERIKKATTIL,
U.C. COLLEGE, KARUMALLORE VILLAGE.

2. MURALIKRISHNA. S.S.,
S/O.V.K. SUBRAMANIA KURUP, KAUSTHUBHAM,
NEAR MALIKAPEEDIKA, ALANGADU VILLAGE.

BY ADV. SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

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1. KERALA STATE, REPRESNTED BY
DISTRICT COLLECTOR, CIVIL STATION,
ERNAKULAM.

2. DEPUTY TAHSILDAR (R.R.),
TALUK OFFICE, PARAVUR.

3. VILLAGE OFFICER, ALANGADU VILLAGE.

4. VILLAGE OFFICER,
KARUMALLORE VILLAGE.

BY GOVT.PLEADER SRI.MANOJ.

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

F.A.O.No.32 of 2007

Dated 31st January, 2007.

J U D G M E N T

Kurian Joseph, J.

Government Pleader takes notice on behalf of the respondents. Heard the learned counsel appearing for the appellants and the learned Government Pleader.

2. This appeal is directed against the order dated 16.12.2006 in I.A.No.350/06 in O.S.39/06 on the file of the Sub Court, North Paravur. The application was filed for a temporary injunction restraining the respondents herein, who are the defendants in the suit from proceeding with the revenue recovery steps initiated at the instance of Punjab National Bank. The application was dismissed for the only reason that the requisitioning authority was not on the party array. Learned counsel for the appellants submits that an application has already been filed before the trial court to implead the Bank. In that view of the matter, it is not necessary for this Court to retain this appeal any more. Accordingly, we dispose of the appeal as follows :-

Appellants are free to move a fresh application for

injunction, with the Bank on the party array. In the event of such an application being filed within ten days from today, orders in accordance with law, after hearing the parties will be passed by the court below, within another one month. In order to enable the appellants to work out the relief as above, the interim order originally granted by the court below on 20.3.2006 will continue for another six weeks. It is made clear that the order under appeal shall not stand in the way of the court below passing fresh orders as directed above, on merits.

SD/-

KURIAN JOSEPH, JUDGE.

SD/-

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

W.P.(C) NO. OF 2004

J U D G M E N T

Dated 31st January, 2007.